

AMENDED

PLANNING COMMISSION

January 12, 2022

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Casey, Caballero, Garcia, Lardinois, Montañez, Oliverio
(arrived at 6:35 p.m.), Ornelas-Wise, Torrens, Young
ABSENT: Commissioner Cantrell

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 p.m.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized items. Please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak. Each member of the public may address the Commission for up to two minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

No Items

3. DEFERRALS AND REMOVALS FROM CALENDAR

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral or removal.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring or removing these or any other items, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

No Items

4. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

ACTION: COMMISSIONER TORRENS MADE A MOTION TO APPROVE THE CONSENT CALENDAR ITEM 4.A.

COMMISSIONER CASEY SECONDED THE MOTION (9-0-2, CANTRELL AND OLIVERIO ABSENT).

STAFF NOTED IF THERE WAS A REASON THE ENTIRE CONSENT CALENDAR WAS NOT APPROVED AT THE SAME TIME. COMMISSIONERS PROCEEDED ON VOTING ON THE REST OF THE CONSENT CALENDAR.

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE THE CONSENT

CALENDAR ITEM 4.B.

COMMISSIONER CASEY SECONDED THE MOTION (10-0-1; CANTRELL ABSENT).

- a. Review and Approve Action Minutes from [December 8, 2021](#).
- b. [CP21-003 \(Administrative Hearing\)](#). Conditional Use Permit to allow a new drive-through use and minor exterior changes including a drive-through window and paint, site modifications including landscaping, and parking at an existing restaurant on an approximately 0.62-gross acre site located on the northwest corner of Branham Lane and Almaden Expressway intersection (1101 Branham Lane). (Estrade Paul E Trustee & ET AL, Owner). Council District: 9. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, ALEC ATIENZA
 1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA, AND**
 2. **APPROVE A RESOLUTION FOR A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW DRIVE-THROUGH USE, MINOR EXTERIOR CHANGES INCLUDING A DRIVE-THROUGH WINDOW AND PAINT, SITE MODIFICATIONS TO THE LANDSCAPING, PARKING, AND THE REMOVAL OF TWO ORDINANCE-SIZE TREES AT AN EXISTING FAST-FOOD RESTAURANT ON AN APPROXIMATELY 0.62-GROSS ACRE SITE.**

5. PUBLIC HEARING

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

No items.

6. OPEN THE GENERAL PLAN HEARING (2022 CYCLE 1)

7. GENERAL PLAN CONSENT CALENDAR

Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Commission requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak.

No Items

8. GENERAL PLAN PUBLIC HEARING

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. [GP21-003 and C21-036](#). A General Plan Amendment to change the Land Use Designation from Residential Neighborhood to Neighborhood/Community Commercial as well as a Conforming Rezoning to rezone the project site from A Agriculture to CP Commercial Pedestrian on a 0.665-gross acre site located on the southeast corner of Keaton Loop and San Felipe Road intersection (3354 Keaton Loop). (Bracamontes Rigoberto and Delmina M, Owner). Council District 8. **CEQA:** 3354 Keaton Loop General Plan Amendment Project Negative Declaration. *Dropped and renoticed from 12/8/21.*
PROJECT MANAGER, ROBERT RIVERA

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. ADOPT A RESOLUTION ADOPTING THE 3354 KEATON LOOP GENERAL PLAN AMENDMENT PROJECT NEGATIVE DECLARATION FOR WHICH AN INITIAL STUDY WAS PREPARED, IN ACCORDANCE WITH CEQA, AS AMENDED;**
- 2. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD TO NEIGHBORHOOD/COMMUNITY COMMERCIAL; AND**
- 3. APPROVE AN ORDINANCE APPROVING THE CONFORMING REZONING FROM THE AGRICULTURE ZONING DISTRICT TO THE COMMERCIAL PEDESTRIAN ZONING DISTRICT.**

COMMISSIONER TORRENS SECONDED THE MOTION (8-2-1; GARCIA AND MONTAÑEZ OPPOSED, CANTRELL ABSENT).

- b. [GP21-004 and C21-009](#). A General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Mixed Use Neighborhood as well as a Conforming Rezoning to rezone the project site from CP Commercial Pedestrian to MUN Mixed Use Neighborhood Zoning District on a 0.6-gross acre site located at 7246 Sharon Drive (Wang Jen-Shyong and Li-Yen, Owner). Council District 1. **CEQA:** 7246 Sharon Drive GPA and Conforming Rezoning Project Negative Declaration. *Dropped and renoticed from 12/8/21.*
PROJECT MANAGER, ROBERT RIVERA

ACTION: COMMISSIONER BONILLA MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

1. **ADOPT A RESOLUTION ADOPTING THE 7246 SHARON DRIVE GPA AND CONFORMING REZONING NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN, FOR WHICH AN INITIAL STUDY WAS PREPARED, IN ACCORDANCE WITH CEQA, AS AMENDED ;**
2. **ADOPT A RESOLUTION APPROVING THE APPLICATION FOR AMENDMENT OF THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM NEIGHBORHOOD COMMUNITY COMMERCIAL TO MIXED USE NEIGHBORHOOD AND CONFORMING REZONING FROM THE CP COMMERCIAL PEDESTRIAN TO MUN MIXED USE NEIGHBORHOOD ZONING DISTRICT ON A 0.6-GROSS ACRE SITE AT 7246 SHARON DRIVE; AND**
3. **APPROVE AN ORDINANCE APPROVING A CONFORMING REZONING FROM CP COMMERCIAL PEDESTRIAN TO MUN MIXED USE NEIGHBORHOOD ON A 0.6 GROSS ACRE SITE LOCATED AT 7246 SHARON DRIVE.**

COMMISSIONER GARCIA SECONDED THE MOTION (7-3-1; LARDINOIS, OLIVERIO, AND YOUNG OPPOSED, CANTRELL ABSENT).

- c. [GP21-006 and C21-030](#). A General Plan Amendment to change the Land Use Designation from Mixed Use Neighborhood to Urban Residential as well as a Conforming Rezoning to rezone the project site from R-1-8 Single-Family Residence District to UR Urban Residential Zoning District on a 0.97-gross acre site located on the northwest of East Julian Street, approximately 150 feet southwesterly of Wooster Avenue (1271 & 1279 E. Julian Street). (Wang Jen-Shyong and Li-Yen, Owner). Council District 3. **CEQA:** 1271-1279 East Julian Street General Plan Amendment Negative Declaration. *Dropped and renoticed from 12/8/21.*

PROJECT MANAGER, ROBERT RIVERA

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

1. **ADOPT A RESOLUTION ADOPTING THE INITIAL STUDY/NEGATIVE DECLARATION FOR 1271 AND 1279 EAST JULIAN STREET GENERAL PLAN AMENDMENT, FOR WHICH AN INITIAL STUDY WAS PREPARED, IN ACCORDANCE WITH CEQA, AS AMENDED;**
2. **ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM MIXED USE NEIGHBORHOOD TO URBAN RESIDENTIAL ON A 0.97-GROSS ACRE SITE; AND**
3. **APPROVE AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED NORTHWEST OF EAST JULIAN STREET, APPROXIMATELY 150 FEET SOUTHWESTERLY OF WOOSTER AVENUE FROM THE R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE UR URBAN RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 0.97-GROSS ACRES.**

COMMISSIONER MONTAÑEZ SECONDED THE MOTION (10-0-1; CANTRELL ABSENT).

- d. [GP21-007 and C21-029.](#) A General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Mixed Use Commercial as well as a Conforming Rezoning to rezone the project site from CP Commercial Pedestrian to MUC Mixed Use Commercial Zoning District on a 1.09 -gross acre site located at 2905 Senter Road. (Nguyen Hien C Trustee & ET AL, Owner). Council District 7. **CEQA:** 2905 & 2911 Senter Road General Plan Amendment Negative Declaration. *Dropped and renoticed from 12/8/21*
PROJECT MANAGER, ROBERT RIVERA

ACTION: COMMISSIONER BONILLA MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. ADOPT A RESOLUTION ADOPTING THE INITIAL STUDY/NEGATIVE DECLARATION FOR 2905 AND 2911 SENTER ROAD GENERAL PLAN AMENDMENT NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, IN ACCORDANCE WITH CEQA, AS AMENDED;**
- 2. ADOPT A RESOLUTION TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM NEIGHBORHOOD/COMMUNITY COMMERCIAL TO MIXED USE COMMERCIAL ON A 1.09-GROSS ACRE SITE; AND**
- 3. APPROVE AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED SOUTHWESTERN CORNER OF THE INTERSECTION OF SENTER ROAD AND LEWIS ROAD FROM THE CN COMMERCIAL NEIGHBORHOOD AND CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE MUC MIXED USE COMMERCIAL ZONING DISTRICT ON APPROXIMATELY 1.09-GROSS ACRE SITE.**

COMMISSIONER ORNELAS-WISE SECONDED THE MOTION (8-2-1; OLIVERIO AND YOUNG OPPOSED, CANTRELL ABSENT).

- e. [GP21-009 and C21-008.](#) A General Plan Amendment to change the Land Use Designation from Heavy Industrial to Light Industrial as well as a Conforming Rezoning to rezone the project site from HI Heavy Industrial to LI Light Industrial Zoning District on a 0.68-gross acre site located at 1500 Berger Drive. (Loaves & Fishes Family Kitchen, Owner). Council District 3. **CEQA:** Exempt under CEQA guidelines section 15301 Existing Facilities. *Dropped and renoticed from 12/8/21.*
PROJECT MANAGER, ROBERT RIVERA

ACTION: COMMISSIONER TORRENS MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA;**
- 2. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO LIGHT INDUSTRIAL; AND**
- 3. APPROVE AN ORDINANCE APPROVING THE CONFORMING REZONING FROM THE HEAVY INDUSTRIAL ZONING DISTRICT TO THE LIGHT INDUSTRIAL ZONING DISTRICT.**

COMMISSIONER OLIVERIO SECONDED THE MOTION (10-0-1; CANTRELL ABSENT).

9. CONTINUE THE GENERAL PLAN HEARING (2022 CYCLE 1) TO FEBRUARY 9, 2022

COMMISSIONER CABALLERO MADE A MOTION TO CONTINUE THE 2022 GENERAL PLAN HEARING CYCLE 1 TO FEBRUARY 9, 2022. COMMISSIONER CASEY SECONDED THE MOTION (10-0-1; CANTRELL ABSENT).

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

11. GOOD AND WELFARE

a. Report from City Council

The Commission Secretary reported on City Council actions taken on January 11, 2022

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

No items

d. The Public Record

No items

12. ADJOURNMENT

Meeting adjourned at 9:01 p.m.